

REMARKS

Claims 1-20 were pending in this application prior to this Amendment and are still pending. Claims 1, 8 and 14 have been amended herein.

The examiner rejected claims 1-13 under 35 U.S.C. § 112, second paragraph as being indefinite. In particular, the examiner took issue with the “means-plus-function” recitations in independent claims 1 and 8. Claims 1 and 8 have been amended so as to remove all “means-plus-function” language. This comports with option “(a)” set forth by the examiner at the top of page 4 of the December 9, 2009 Office Action. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

The examiner rejected claims 1-2, 4, 6-11, 14-15, and 20 under 35 U.S.C. § 102(e) as being anticipated by Rosner, U.S. Patent Application Publication Number 2003/0022696. Claim 1, as amended herein, recites a combination of elements and limitations including, among other things, the recitation “a plurality of tags, . . . each tag lacking any voice communication capability” and the recitation “voice-activated communicators that are separate and distinct from the tags.” Rosner does not contemplate the use of locating tags that are separate and distinct from his disclosed portable units 22, which portable units have a two way voice interface 12. The examiner relies on Rosner’s paragraph [0034] in connection with the rejections of those claims that recite “a plurality of tags” or other tag-related features. However, paragraph [0034] of Rosner is discussing the portable units which have the two-way voice communication capability. Thus, Rosner does not anticipate claim 1 as amended herein.

Claim 8 is an independent claim that, as amended herein, recites a combination of elements and limitations including, among other things, the recitation “a plurality of tags, . . . each tag lacking any voice communication capability” and the recitation “a plurality of voice-activated substantially wireless communicators that are separate and distinct from the tags.” This language is very similar to the language discussed above regarding claim 1. Accordingly, independent claim 8 is not anticipated by Rosner for the same reasons that claim 1 is not anticipated.

Claim 14 is an independent claim that, as amended herein, recites a combination of elements and limitations including, among other things, the recitation “assigning a unique identifier to each of a plurality of tags, each tag lacking any voice communication capability”

and the recitation “assigning a plurality of communicators to a plurality of persons, the plurality of communicators being separate and distinct from the plurality of tags.” Because Rosner does not disclose tags lacking voice communication capability that are separate and distinct from communicators into which voice commands are spoken, Rosner certainly cannot disclose “assigning a unique identifier” to such tags. Accordingly, independent claim 14 is not anticipated by Rosner.

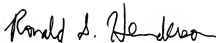
Based on the foregoing, none of independent claims 1, 8 and 14 are anticipated by Rosner. Accordingly, claim 1 along with its associated dependent claims 2-7, claim 8 along with its associated dependent claims 9-13, and claim 14 along with its associated dependent claims 15-20 are in condition for allowance and such action is respectfully requested.

Because each of independent claims 1, 8 and 14 are in condition for allowance as discussed above, the examiner’s obviousness rejection of claims 5 and 16-17 based on Rosner in view of Werb (U.S. Patent Number 6,456,239) and the examiner’s obviousness rejection of claims 12-13 and 18-19 based on Rosner in view of Shostak (U.S. Patent Number 6,901,255) are rendered moot.

It is believed that the application is in condition for allowance and such action is respectfully requested. If there are any questions or comments that would speed prosecution of this patent application, the Examiner is invited to call the undersigned at (317) 231-7341.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to attorney docket no. 7175-202433.

Respectfully submitted,
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